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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CONVERSATION NORTHWEST
and WILDEARTH GUARDIANS,

Plaintiffs,

v.

US FOREST SERVICE and
RODNEY SMOLDEN, Forest
Supervisor, Colville National Forest,

Defendants.

NO: 2:20-CV-450-RMP

STIPULATED ORDER ON COSTS
AND FEES

BEFORE THE COURT is the parties' Joint Motion for Entry of Stipulated Order on Costs and Fees, ECF No. 27, and Joint Motion to Expedite the same, ECF No. 28. Having reviewed the record, the motions, and being fully informed, the Court finds good cause to enter the parties' Stipulated Order on Costs and Fees, ECF No. 27-1, and grant the parties' Motion to Expedite the same.

Accordingly, **IT IS HEREBY ORDERED:** The parties' Joint Motion for Entry of Stipulated Order on Costs and Fees, **ECF No. 27**, and Joint Motion to Expedite the same, **ECF No. 28**, are **GRANTED**.

1 Plaintiffs Conservation Northwest and WildEarth Guardians (“Plaintiffs”) and
2 Defendants the United States Forest Service and Rodney Smoldon, Forest
3 Supervisor of the Colville National Forest (“Defendants”) (collectively “the
4 Parties”), by and through their respective counsel, hereby stipulate and agree as
5 follows:

6 1. The parties hereby agree to settle and resolve Plaintiffs’ claims for costs
7 and attorneys’ fees under the terms and conditions set forth herein.

8 2. Defendants shall pay Plaintiffs Ninety Thousand Dollars and Zero
9 Cents (\$90,000.00) in attorneys’ fees and costs in this matter.

10 3. Defendants shall make the payment required by Paragraph two of this
11 Stipulated Order by an electronic funds transfer drawn on an account of the United
12 States and made payable to Kampmeier & Knutsen, PLLC, 811 First Avenue, Suite
13 468, Seattle, Washington 98104. Within ten (10) days of entry of this Stipulated
14 Order as an order of the Court, Plaintiffs shall submit to Defendants the account
15 number, routing number, and any other information needed to facilitate payment by
16 electronic funds transfer. Within ten (10) days of Plaintiffs’ providing that
17 information, Defendants shall submit to the U.S. Treasury the information required
18 to effectuate the payment required by Paragraph two of this Stipulated Order. If the
19 payment required by Paragraph two of this Order is not made within forty-five (45)
20 days of Plaintiffs providing the account information referenced above following
21 entry of this Stipulated Order as an order of the Court, Plaintiffs may seek

1 enforcement of this Order and the Court may in addition impose a deadline for
2 Defendants to make the payment.¹

3 4. Upon entry as an order of the Court, this agreement shall fully and
4 completely resolve and satisfy all of Plaintiffs' claims for costs and attorneys' fees
5 arising from the allegations set forth in the complaint filed in this action.

6 5. This Stipulated Order shall not constitute an admission of error or fault
7 on the part of the United States, its agents, servants, or employees, and is entered
8 into by the parties for the sole purpose of compromising disputed claims and
9 avoiding the expenses and risks of further litigation.

10 6. This Stipulated Order shall be binding upon and inure to the benefit of
11 the parties hereto and their respective successors and assigns.

12 7. Except as necessary to enforce this agreement, the parties agree they
13 will not use this Stipulated Order as evidence in any pending or future civil or
14 administrative action against the United States, or any agency or instrumentality of
15 the United States.

17 ¹ Settlement payments are typically issued within 30–45 days. However, the
18 Parties acknowledge that neither the Department of Justice nor the Department of
19 Agriculture has control over the precise timing of the payments, which are issued
20 by the Department of the Treasury.

8. This Stipulated Order shall become effective upon entry as an Order of the Court.

9. The Court retains jurisdiction to enforce the terms of this agreement. In the exercise of its discretion, the Court may award Plaintiffs costs and reasonable attorneys' fees incurred in enforcing this Agreement.

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order, provide copies to counsel, and **close this case**.

DATED August 17, 2021.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge